

~~79 ALR 150n~~
~~73 11 762 n~~
~~135 7 (en) 438~~

Pack v. U.S. (1906) 41 Ct. Cl. 414

Claimant working for Navy Dept. at \$1200 per ann., then appointed notary public in D.C. Then appointed to Navy job at \$2500. per ann.

re §§ 1763, 1764, and 1765, The Court said "

"The purposes of These STATUTES as thus construed were manifestly "

1. To prevent any person holding an office with a salary of \$2500 from receiving any compensation for discharging the duties of any other office, unless expressly authorized by law.
2. To prevent the payment to any officer of compensation for performing the duties which belonged to any other officer or for any extra service whatsoever which such officer might be required to perform in the discharge of the duties of his office unless expressly authorized by law.
3. To prevent the allowance of additional pay, extra allowance, or compensation in any form whatsoever to any officer in any branch of the public service whose salary is fixed by law, for any other service or duty whatsoever, unless the same is authorized by law and the appropriation therefor expressly states that it is for such additional pay, extra allowance, or compensation.

It would be difficult to conceive of STAT more explicit for the purposes indicated, but as they did not prevent the holding by the same person of two distinct offices, places, or employments, each with its own compensation and duties, the Congress, soon after the decision in the case last cited (*U.S. v. Saunders*), passed the act of July 31, 1894 (*supra*), which, so far as applies to this case reads:

"Sec. 2 * * * No person who holds an office the salary or compensation attached to which amounts to or exceeds \$2500, shall be appointed to or hold any other office to which compensation is attached, unless specially authorized by law; but this shall not apply to retired officers * * *"

"If two distinct offices were specially authorized by law to be held by the same person, as in the act provided, then the compensation attached to both may be paid to the incumbent, but that is not this case."

CT, held could not hold both - but precluded from holding any other office in accepting other office.